

## SENATE BILL No. 122

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-2-6.

**Synopsis:** Battery by body waste. Provides that it is battery by body waste, a Class D felony, for a person to place body fluid or waste on a person whose duties include the supervision of lawfully detained persons (Current law covers other corrections officers.)

**Effective:** July 1, 2007.

---

---

**Drozda**

---

---

January 8, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

---

---

C  
o  
p  
y



First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## SENATE BILL No. 122

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-42-2-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this  
3 section, "corrections officer" includes a person employed by:

- 4 (1) the department of correction;  
5 (2) a law enforcement agency;  
6 (3) a county jail; ~~or~~  
7 (4) a circuit, superior, county, probate, city, or town court; **or**  
8 (5) **a facility operated by a county or the state, if the person's**  
9 **responsibilities include the daily or ongoing supervision and**  
10 **care of persons who are lawfully detained (as defined in**  
11 **IC 35-41-1-18).**

12 (b) As used in this section, "human immunodeficiency virus (HIV)"  
13 includes acquired immune deficiency syndrome (AIDS) and AIDS  
14 related complex.

15 (c) A person who knowingly or intentionally in a rude, insolent, or  
16 angry manner places blood or another body fluid or waste on a law  
17 enforcement officer or a corrections officer identified as such and while



C  
o  
p  
y

engaged in the performance of official duties or coerces another person to place blood or another body fluid or waste on the law enforcement officer or corrections officer commits battery by body waste, a Class D felony. However, the offense is:

(1) a Class C felony if the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with:

(A) hepatitis B;

(B) HIV; or

(C) tuberculosis;

(2) a Class B felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with hepatitis B and the offense results in the transmission of hepatitis B to the other person; or

(B) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class A felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with HIV; and

(B) the offense results in the transmission of HIV to the other person.

(d) A person who knowingly or intentionally in a rude, an insolent, or an angry manner places human blood, semen, urine, or fecal waste on another person commits battery by body waste, a Class A misdemeanor. However, the offense is:

(1) a Class D felony if the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with:

(A) hepatitis B;

(B) HIV; or

(C) tuberculosis;

(2) a Class C felony if:

(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with hepatitis B and the offense results in the transmission of hepatitis B to the other person; or

(B) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

C  
o  
p  
y



1 (3) a Class B felony if:

2 (A) the person knew or recklessly failed to know that the  
3 blood, semen, urine, or fecal waste was infected with HIV; and

4 (B) the offense results in the transmission of HIV to the other  
5 person.

6 SECTION 2. [EFFECTIVE JULY 1, 2007] **IC 35-42-2-6, as**  
7 **amended by this act, applies only to offenses committed after June**  
8 **30, 2007.**

C  
o  
p  
y

